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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/695,154	10/24/2000	Michiaki Yoneda	450100-02792	3305
20999	7590	01/26/2005	EXAMINER	
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			JUNG, DAVID YIUK	
			ART UNIT	PAPER NUMBER
			2134	

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/695,154

Applicant(s)

YONEDA, MICHIAKI

Examiner

David Y Jung

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 02 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

CLAIMS PRESENTED

Claims 1-13 are presented.

Response to Arguments

Applicant's arguments filed 8/2/2004 have been fully considered but they are not persuasive.

Applicant argues that the new limitation "wherein said address is data for specifying a server and a home page corresponding to the information recording medium, and said method further comprises a step of accessing the home page corresponding to the information recording medium on the basis of the address to acquire the corresponding key data" somehow makes the claimed invention to be patentably distinct from the prior art. This is wrong because such server, home page with such features such as such address handling are suggested by the license services, and content provider of typical software in this art (e.g., Windows Media DRM). Unless applicant is willing to assert that Windows Media DRM does not have such features, applicant's arguments are not persuasive.

CLAIM REJECTIONS

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over www.microsoft.com/windows/windowsmedia/WM7/DRM/FAQ.aspx (hereinafter also referred as "DRM").

Regarding claim 1, DRM teaches "1. A method of reproducing an information recording medium, on which encrypted data are recorded (section "How does Windows Media DRM work, Packaging, i.e. encrypted), said method comprising the steps of:

accessing a predetermined server on the basis of an ... recorded in the information recording medium (section "How does Windows Media DRM work, Packaging, i.e. license services, and content provider – which also would have a server); and

decrypting data recorded in the information recording medium with key data issued from said server (section "How does Windows Media DRM work, License Acquisition, i.e. a license key)

wherein said ... is data for specifying a server and a home page corresponding to the information recording medium, and said method further comprises a step of accessing the home page corresponding to the information recording medium on the basis of the ... to acquire the corresponding key data (section "How does Windows Media DRM work, Packaging, i.e. license services, and content

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provider – which also would have a server which is specified, and the licensing with such content provider would have such home page).

These passages of DRM do not teach “address.”

It was well known in the art to use an “address” for the motivation of accessing a connected device, such as a device connected through the Internet.

Hence, it would have been obvious to those of ordinary skill in the art at the time of the claimed invention to modify DRM for the motivation noted in the previous paragraphs so as to teach the claimed invention.

Regarding claim 2, DRM suggests “the information recording medium ..., wherein the ... is data for specifying said server and the home page corresponding to said information recording medium, and said method comprises a step of accessing the home page corresponding to the information recording medium on the basis of the address to get the corresponding key data (section “How does Windows Media DRM work, Distribution, i.e. website for download)”.

Regarding claim 3. The information recording medium reproducing method as claimed in claim 1, wherein encrypted data are recorded on a file basis in the information recording medium, the encryption of the data is carried out so as to be decrypted every file or every plural files with the corresponding key data, and identification data for specifying each file or plural files are recorded in the information recording medium, and said method comprises a step of releasing the encryption of the corresponding file or corresponding plural files on the basis of the identification data (section “How does Windows Media DRM

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work, Playing the media file, i.e. file can only be played by the computer that has been granted the license key for that file).

Claims 4,5,6, are information recording medium analogs to claims 1,2,3, respectively. Information recording medium are suggested by DRM (section "How does Windows Media DRM work, Distribution, i.e. CD). For this reason and the reasons noted in the rejections of claims 1,2,3, claims 4,5,6 are not patentable.

Claims 7,8,9 are reproducing apparatus analogs to claims 1,2,3, respectively. Reproducing apparatus are suggested by DRM (section "How does Windows Media DRM work, Distribution, i.e. various distribution techniques that would involve reproducing, such as downloads). For this reason and the reasons noted in the rejections of claims 1,2,3, claims 7,8,9 are not patentable.

Claims 10,11,12 are methods of managing analogs to claims 1,2,3, respectively. Methods of managing are suggested by DRM (section "How does Windows Media DRM work, i.e. Packaging, Distribution, and Establishing a License Server). For this reason and the reasons noted in the rejections of claims 1,2,3, claims 10,11,12 are not patentable.

Regarding claim 13, DRM suggests "charging processing is executed in accordance with the issuance of the key data (section "How does Windows Media DRM work, Packaging, i.e. this key is stored ... distributed separately).

Conclusion

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The art made of record and not relied upon is considered pertinent to applicant's disclosure. The art disclosed general background.

Points of Contact

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 746-7239, (for formal communications intended for entry)

Or:

(703) 746-5606 (for informal or draft communications, please label "PROPOSED"

or "DRAFT")

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Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Jung whose telephone number is (703) 308-5262 or Greg Morse whose telephone number is (703) 308-4789.

David Jung

Patent Examiner

2005-01-24

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke, positioned to the right of the printed name 'David Jung' and the title 'Patent Examiner'.